

## Summary of Proposed Ordinance Relating to Zoning, Site Alteration and Critical Areas

This summary applies to the proposed Critical Areas Ordinance dated December 10, 2002, and fulfills the state Growth Management Act and King County Code 20.18.100 requirement for a “plain language” summary.

Some of these changes were included in proposed ordinances that were transmitted to the King County Council but not adopted. These items are noted using the following abbreviations:

SAO: The proposed amendments to the Sensitive Areas Ordinance, King County Code (K.C.C.) chapter 21A.24 pending at council (Proposed Ordinance 1999-0353).

SALT: The proposed Site Alteration Code pending at council (Proposed Ordinance 2000-0525). This is a proposed update to the Clearing and Grading Code.

### **New Chapter, “Development Standards - Site Alterations”**

**Section 1** – Administrative section to create a new chapter in K.C.C. Title 21A. This section also recodifies K.C.C. 16.82.100, 16.82.150 and 16.82.160, each as amended by this ordinance, as sections in this new chapter.

**Section 2** – Erosion and sediment control standards. (*new*) Moved from section 3 to its own section with only the additional reference to forestry permits and minor technical changes. Any activity that will clear, grade or otherwise disturb a site shall provide erosion and sediment control that prevents, to the maximum extent possible, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Performance criteria and implementation requirements are provided in the King County Erosion and Sediment Control Standards. Activities performed as class II, III or IV special forest practices shall apply erosion and sediment controls in accordance with chapter 76.09 RCW and Title 222 WAC. [SALT 84]

**Section 3** – Grading standards. (*K.C.C. 16.82.100*) Reorganized this section, moving erosion control requirements to section 2, hours of operations to section 6, deleting redundant requirements for excavation to water producing depths, revising some standards and adding new standards for compaction, off-site spills, soil retention, and soil quality. The changes from the existing standards include the following:

Cut and fill:

- the slope of cut and fill surfaces shall not exceed what is safe for the soil type;
- organic materials shall not be used in structural fill;
- recycled materials may be used but shall not contain dangerous waste or contain rebar or other materials, shapes or edges that pose safety hazards;
- recycled asphalt shall be allowed only when less than 10 percent by volume, and may not be used in areas where there is seasonal or continual perched groundwater, sole source aquifer, streams, wetlands or other water bodies;

- any drainage measures, benches or terraces shall be designed consistent with the King County Surface Water Design Manual;
- tops and toes of cut and fill slopes shall be set back as far as necessary to not have any affect on the use of neighboring property;
- fill greater than three feet in depth shall either be engineered and compacted to accommodate the proposed use or have its location recorded on title;
- fill in the floodplain shall meet compaction requirements for pond embankments in the Surface Water Design Manual;

Access roads:

- access roads must be located at the proposed permanent site access location;

Fencing:

- where required, fencing height was increased to six feet;

Off-site spills:

- rocks, dirt, mud, vegetation or other materials shall not be spilled onto public roadways and only placed on off-site property with a valid permit;

Soil retention and soil quality:

- the duff layer and native topsoil shall be retained in an undisturbed state to the maximum extent possible. Any duff layer or topsoil removed during grading shall be stockpiled to be reapplied to other portions of the site where feasible;
- all areas subject to clearing and grading that have not been covered by impervious surface, incorporated into a drainage facility or engineered as structural fill or slope, at project completion, shall have the soil moisture holding capacity of the original undisturbed soil native to the site;
- any area that has been compacted or that has had some or all of the duff layer or underlying topsoil removed shall amend the soil to mitigate for lost moisture holding capacity. The amendment shall take place between May 1 and October 1;
- replacement topsoil shall have an organic matter content of between eight to thirteen percent dry weight and a pH equivalent to the original undisturbed soil.

[SALT 85]

**Section 4** – Clearing standards. (*K.C.C. 16.82.150*) Reorganized this section, moving seasonal disturbance standards to section 5. The changes from the existing standards include the following:

- In addition to the provisions of this section, clearing restrictions may apply from special district overlays and native vegetation retention areas under the Surface Water Design Manual;

Regulations specific to RA (Rural Area) zoned areas now apply to all RA zoned areas, and language applying these requirements to specific basins has been removed. Changes to the regulations include:

- clearing is limited to 35 percent of the property area, or the amount legally cleared before the effective date of clearing regulations in effect at the time of clearing;
- clearing required to relocate equestrian community trails shall not be counted toward the 35 percent maximum clearing standard;
- the maximum clearing standard may be increased to up to 50 percent of a parcel if the applicant demonstrates the existence of one of the following habitats, not part of a critical area or buffer: caves, habitat corridors (including amphibian migration), old-growth forests, mature forest, snag-rich areas, or talus slopes. The additional area that may be cleared is twice the area that is protected under this subsection. The applicant must submit an approved critical area report, with vegetation management plan, and must minimize fragmentation of the habitat;
- if 90 percent of a lot has been legally cleared prior to the effective date of this ordinance, the applicant will not be required to retain 50 percent as open space if the existing open space includes the remaining forest cover on the parcel and a stewardship plan is approved by the county;
- portions of individual lots that are to be retained in native vegetation shall be placed in a conservation easement to ensure long-term protection;
- notice on title is required to identify areas required on individual lots to be retained in native vegetation;
- restoration of parcels cleared in violation shall include restoration of the soil;

The director may modify the requirements of the above regulations that are specific to RA (Rural Area) zoned areas. Changes to the existing regulations include:

- the director may not modify requirements for a park project that is required by K.C.C. chapter 21A.24 as part of a residential development, nor for a road project that is part of a larger development proposal;
- the director may modify requirements for a project within a public road corridor that are not a part of a larger development;
- portions of projects outside of designated regionally significant resource areas shall be exempt from the above regulations.

Within the portion of the site required to be retained in native vegetation, the following activities may be permitted under a clearing and grading permit:

- forest practices in accordance with a county-approved forest management plan;
- activities that enhance and restore mature forest cover;
- passive recreation uses and related facilities, including pedestrian, equestrian and bicycle trails, nature viewing areas, fishing and camping areas, and other similar uses that do not require permanent structures. May not exceed eight percent of the area of the tract or easement. Within wildlife habitat networks, trail widths shall be the minimum allowed and no other recreation uses shall be permitted in the 150-foot minimum width of the network;
- utilities and utility easements, including surface water facilities, if within or adjacent to existing road or utility easements. Within wildlife habitat networks, utility uses within established easements shall be allowed within

the 150-foot minimum width of the corridor. Development of new utility corridors shall be allowed within wildlife habitat networks only if necessary and if county-approved best management practices are used to minimize disturbance; and

- the minimum necessary pruning or removal of hazard trees to eliminate the hazard.

[SALT 86]

**Section 5** – Seasonal disturbance standards. (*new*) Moved from section 4 to its own section and clarified while maintaining the existing seasonal disturbance limitations and their application. The significant change is to expand the end of the seasonal limitation period from March 31 to April 30. [SALT 87]

**Section 6** – Hours of operation. (*new*) Moved from section 3 to its own section. Maintained the same hours of operation (between 7 a.m. and 7 p.m.) but limited Sunday hours between 10 a.m. and 5 p.m. Added that currently allowed variation to the standard hours of operation shall require consultation with the department of health to ensure compliance with nighttime noise standards and that the decision and all mitigation requirements shall be documented and compiled with all similar decisions for public inspection. [SALT 88]

**Section 7** – Hazard and damage. (*new*) Provides that all adjacent property, public resources including surface and groundwaters, set-aside areas, rights-of-way and drainage systems shall be protected from hazards and damage resulting from activities allowed under this title. [SALT 89]

**Section 8** – Agricultural Production Districts standards. (*K.C.C. 16.82.160*) Makes clarifying changes to existing requirements for utilities and other public facilities crossing a portion of an APD. [SALT 90]